

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

ACMA USA, INC.)	
)	
Plaintiff)	
v.)	Civil No. 3:08-cv-0071HEH
)	
SUREFIL, LLC)	
)	
Defendant)	

**MOTION OF ACMA USA, INC. UNDER FED. R. CIV. P. 36 AND LOCAL RULE 37
TO DETERMINE SUFFICIENCY OF OBJECTIONS OF SUREFIL LLC TO
CERTAIN REQUESTS FOR ADMISSIONS AND TO COMPEL ANSWERS TO
INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS**

For the reasons set out in its memorandum filed herewith, ACMA USA, Inc., by counsel, under Fed. R. Civ. P. 26, 33, 34, 36 and 37, respectfully moves for relief against Surefil, LLC as follows with respect to certain discovery (Exhibit A to Memorandum filed by separate pleading this date) served by ACMA on May 9, 2008:

1. As to the Requests for Admissions served by ACMA USA on May 9, 2008 (included in ACMA's Memorandum Exhibit A), under Fed. R. Civ. P 36(a) ACMA requests the Court to determine the objections of Surefil LLC are not justified because (a) not timely and (b) lacking proper basis and order that a full answer be served within such time as the Court deems proper,

2. As to Interrogatories 1 and 2 served by ACMA USA on May 9, 2008 (included in ACMA's Memorandum Exhibit A), because Surefil has failed to answer, object or respond in

W. R. Baldwin, III (VSB #16988)
W. Reilly Marchant (VSB #18591)
Marchant, Honey & Baldwin, LLP
5600 Grove Avenue
Richmond, VA 23226
Voice: (804) 285-3888
Fax: (804) 285-7779
Counsel for. ACMA USA, Inc.

any way to such interrogatories, under Rule 37 order Surefil to answer such interrogatories fully within such time as the Court deems proper,

3. As to the Request for Production of Documents and Things served by ACMA USA on May 9, 2008 (included in ACMA's Memorandum Exhibit A), because Surefil has failed to respond or object to such request, under Rule 37 order that Surefil make a full response to such request for production within such time as the Court deems proper, and

4. Under Fed. R. Civ. P 36 and 37 award ACMA USA its reasonable attorney's fees incurred in connection herewith.

CERTIFICATE/STATEMENT OF ATTEMPTED COMPROMISE

Under Fed. R. Civ. P. 37 and Local Rule 37(E), the undersigned counsel certifies that on June 13, 2008, in good faith, counsel for the plaintiff unsuccessfully conferred by telephone with counsel for the defendant to explore the possibility of resolving the discovery matters in controversy without hearing.

WHEREFORE, premises considered, ACMA USA, Inc., by counsel, respectfully moves the Court to grant the requested relief and such other relief as is proper.

ACMA USA, INC.

June 16, 2008

By: /s/W. R. Baldwin, III
Of Counsel

W. R. Baldwin, III (VSB #16988)
W. Reilly Marchant (VSB #18591)
Marchant, Honey & Baldwin, LLP
5600 Grove Avenue
Richmond, VA 23226
Voice: (804) 285-3888
Fax: (804) 285-777
Counsel for ACMA USA, Inc.
Email: billbaldwin@comcast.net
ry@mthblaw.com
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on June 17, 2008, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Bruce M. Marshall, Esq.
Christine A. Williams, Esq.
DuretteBradshaw, PLC
600 East Main Street, 20th Floor
Richmond, Virginia 23219

/s/W. R. Baldwin, III
W. R. Baldwin, III
Email: billbaldwin@comcast.net